

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

BENJAMIN WAYNE McCOIN, #923939	§	
VS.	§	CIVIL ACTION NO. 5:06cv189
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report.

This Court made a *de novo* review of Petitioner's objections and determined that they lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that Petitioner's motion to vacate or correct his sentence is **TRANSFERRED** to the Fifth Circuit Court of Appeals.

SIGNED this 10th day of January, 2007.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE